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REPORT
99-332

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1986

JULY 8, 1986.—Ordered to be printed

Filed, under authority of the order of the Senate of June 27 (legislative day, June 23), 1986

Mr. HATCH, from the Committee on Labor and Human Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 2324]

The Committee on Labor and Human Resources, to which was referred the bill (S. 2324) Domestic Volunteer Service Act Amendments of 1986, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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I. Summary of Legislation

S. 2324, The Domestic Volunteer Service Act Amendments of 1986, as amended by Committee, authorizes appropriations for programs under the Domestic Volunteer Service Act for three years. The bill maintains the National Volunteer Antipoverty Program authorized under Title I and the National Older American Volunteer Programs authorized under Title II of the Act.

The bill provides a statement of purpose for the ACTION Agency as a whole. The bill reauthorizes Title I of the Act regarding the Volunteers in Service to America (VISTA) and Service Learning and demonstration programs. The bill authorizes $25 million for VISTA Part A, $2 million for the literacy component, $1.8 million for Part B and $1,984,000 for Part C in Fiscal Year 1987.

The bill expands VISTA's role in combating illiteracy by establishing a new literacy component within VISTA. The literacy corps would be authorized at $2 million in FY 1987, $3 million in FY 1988 and $5 million in FY 1989. The bill also continues a designation of a minimum funding level for the VISTA program at 2400 volunteer service years for the next three years. The bill provides for level funding of the Title I service learning and demonstration programs in Fiscal Years 1988 and 1989, but authorized funding for Title I Part A VISTA programs are increased by 3% each subsequent fiscal year.

The bill also reauthorizes the Older American Volunteer programs through Fiscal Year 1989. The Retired Senior Volunteer Program is reauthorized at a level of $31,100,000 for FY 1987, $32,033,000 for FY 1988 and $32,990,000 for FY 1989.

The Senior Companion program is authorized at $28,600,000 for FY 1987, $29,458,000 for FY 1988 and $30,341,740 for FY 1989. The Foster Grandparent program is authorized at $58,700,000 for FY 1987, $6[illegible]461,000 for 1988 and $62,274,830 for 1989.

The b[illegible] establishes new authority for the Director of ACTION for the [illegible]nrollment of non-stipended volunteers in the Foster Grandparent and Senior Companion program. The Director is authorized to develop regulations in which older individuals who do not meet the income criteria may be enrolled in Foster Grandparent or Senior Companion programs if a Retired Senior Volunteer Program is not available in their community or those programs do not serve the frail elderly or disadvantaged children populations. The bill contains several provisions designed to ensure that the non-stipended volunteers will not adversely affect the low-income stipended volunteer, including a prohibition on federal appropriations being diverted to pay for the administrative expenses associated with the supervision of the non-stipended volunteer, and a prohibition against using participation in this program as a criteria for grant award. The bill also prohibits the Director from requiring directors of local projects to solicit private sector contributions.

The bill establishes a National Voluntary Service Advisory Council to advise the Director on policy matters associated with the administration of programs under this Act, including recommendations concerning how to improve such programs, eliminate any duplication of effort and coordinate programs with other Federal programs. The bill specifies that the 25 members selected to serve on

the Council be representative of local and national poverty, older American, and volunteer organizations including volunteers and beneficiaries of VISTA and Older American volunteer programs. Members of the Council serve for two year terms with no individual serving more than two consecutive terms. The Council is directed to meet at least twice but not more than four times a year, with Council members reimbursed for their travel expenses. Council members are required to disclose any financial interest they may have in any matter before the Council and are prohibited from participating in any action taken by the council in which they might have a conflict of interest.

The bill directs the Agency to measure and evaluate impact and effectiveness of all programs authorized by this Act at least once every four years. The bill provides for $25,312,000 in each of the three fiscal years 1987, 1988, and 1989 for administration and coordination of programs authorized by this Act.

The bill also makes technical amendments to the Act to ensure that it is gender neutral.

II. Background Information for the Domestic Volunteer Service Act Amendments of 1986 (S. 2324)

BACKGROUND

ACTION was established in 1971 through a Presidential reorganization plan that brought together under one independent agency several existing volunteer programs. The programs transferred to ACTION in 1971 included Volunteers in Service to America (VISTA) and the National Student Volunteer Program, both previously administered by the then-existing Office of Economic Opportunity; and the Foster Grandparent Program (FGP) and Retired Senior Volunteer Program (RSVP), which had been administered by the Administration on Aging at the Department of Health, Education and Welfare (now the Department of Health and Human Services (DHHS)).

ACTION was given statutory authority under the Domestic Volunteer Service Act of 1973. This Act also repealed prior legislative authority for ACTION's domestic programs, which had been authorized under several different Acts, and reauthorized them under one, single authority. Additionally, the Act authorized new volunteer activities that included volunteer services under the University Year for Action program (repealed in 1984 under P.L. 98-288 because it had not been funded since 1981 and new student volunteer programs were being established).

Today, programs administered by ACTION include the title I-A VISTA program, the title I-B service learning programs, the title I-C special volunteer programs, and the title II Older American Volunteer Programs (FGP, RSVP and the Senior Companion Program (SCP)). Generally, ACTION programs are directed toward reducing poverty and poverty related problems, helping the physically and mentally disabled, and assisting in a variety of other types of community service activities. ACTION also supports demonstration projects for testing new initiatives in voluntarism, and advocates and promotes voluntarism in the public and private sectors.

VISTA (TITLE I–A)

VISTA, which was first authorized in 1964, was conceived as a domestic peace corps where volunteers would serve full-time in projects designed to reduce poverty. Today VISTA still holds this mandate. Volunteers age 18 and older serve in community activities that help reduce or eliminate poverty and poverty-related problems. Activities include assisting the handicapped, the homeless, the jobless, the hungry, and the illiterate or functionally illiterate, addressing problems related to alcohol abuse and drug abuse, and assisting in economic development, remedial education, legal and employment counseling, and other activities that help communities and individuals become self-sufficient. Volunteers also serve on Indian reservations, in federally assisted migrant worker programs and in federally assisted institutions for the mentally ill and mentally retarded.

Volunteers are expected to work full-time for a minimum of 1 year, but they may serve for 5 years. To the maximum extent possible, they live among and at the economic level of the people they serve. Volunteers are reimbursed for certain travel expenses and receive a small stipend for food, lodging and incidental expenses. They also are provided health insurance benefits and receive a monthly stipend, not to exceed $75, that is paid in a lump sum payment at the end of their service. At least 20 percent of the volunteers must be age 55 and older.

SERVICE-LEARNING PROGRAMS (TITLE I–B)

Service learning programs provide volunteer opportunities for students, and technical assistance to schools and organizations which promote voluntarism among youth.

Through the Young Volunteers in ACTION (YVA) program, students aged 14–22 years old serve 1 year, about 8 hours weekly in projects which address social, environmental and poverty-related problems. Activities include providing counseling and tutoring assistance among other activities to such groups as the elderly, refugee children, runaway youth, the developmentally disabled, Indians, and migrant workers.

SPECIAL VOLUNTEER PROGRAMS (TITLE I–C)

The special volunteer programs include demonstration and minigrant programs, and the State Office of Voluntary Citizen Participation Program. The demonstration program and the mini-grant program provide "seed money" to public agencies and private organizations for projects that may serve as models for new volunteer initiatives. Additionally, ACTION supports State Offices of Voluntary Citizen Participation. These offices assist State and local agencies, elected officials, and private voluntary organizations in promoting and expanding volunteer services.

OLDER AMERICAN VOLUNTEER PROGRAM (TITLE II)

The Older American Volunteer Program (OAVP), which includes RSVP, FGP, and SCP, is the largest of ACTION program components. Volunteers, who must be 60 years or older, work part-time

in a variety of community service activities. Project grants are awarded to local private, nonprofit or public sponsoring agencies which recruit, place, supervise, and support volunteers.

Retired Senior Volunteer Program

The program first received authorization in 1969 under the Older Americans Act. In 1971, the program was transferred from the Administration on Aging to ACTION, and in 1973 the program was authorized under title II of the Domestic Volunteer Service Act.

The program is designed to provide volunteer opportunities for persons 60 years and over in a variety of community settings. Volunteers serve in a variety of areas including youth counseling, literacy enhancement, long-term care, crime prevention, refugee assistance, and housing rehabilitation, consumer education, and drug abuse prevention. RSVP sponsors include State and local governments, universities and colleges, community organizations, and senior service organizations. Each project is locally planned, operated, and controlled. Although volunteers do not receive hourly stipends as under FGP and SCP programs, they receive reimbursement for out-of-pocket expenses incurred as a result of volunteer activities.

Foster Grandparent Program

The program was originally developed in 1965 as a cooperative effort between the Office of Economic Opportunity and the Administration on Aging in the (then) Department of Health, Education, and Welfare. It was given a legislative basis in 1969 under the Older American Act. In 1971 the program was transferred from the Administration on Aging to ACTION, and in 1973 the program was authorized under title II of the Domestic Volunteer Service Act of 1973.

The FGP is designed to provide part-time volunteer opportunities for low-income persons 60 years and over to assist them in providing supportive services to children with physical, mental, emotional, or social disabilities. Foster grandparents are placed with nonprofit sponsoring agencies such as schools, hospitals, day care centers, and institutions for the mentally or physically handicapped. Volunteers serve 20 hours a week and provide care on a one-to-one basis to three or four children. Volunteers receive a stipend of $2.20 an hour, transportation assistance, an annual physical examination, insurance benefits, and meals when serving as volunteers. In order to enroll in the program, volunteers must meet specified income eligibility requirements.

Senior Companion Program

The SCP was authorized in 1973 by P.L. 93-113 under title II, sec. 211(b) of the Domestic Volunteer Service Act of 1973. The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) amended sec. 211 of the Act to create a separate part C containing the authorization for the SCP.

The program is designed to provide part-time volunteer opportunities for low-income persons 60 years of age and over to assist them in providing supportive services to vulnerable, frail older persons. The volunteers assist homebound, chronically disabled older

persons in order to assist them to maintain independent living arrangements in their own residences; they also provide services to institutionalized older persons. Volunteers serve 20 hours per week and receive a stipend of $2.20 an hour, transportation assistance, an annual physical examination, insurance benefits, and meals when serving as volunteers. In order to participate in the program, volunteers must meet the same income eligibility requirements as under FGP.

The Domestic Volunteer Service Act was last amended in 1984 by P.L. 98-288, which provided for a 2 year reauthorization period, through 1986. Selected amendments of that legislation included a required minimum number of volunteer service hours per year for the VISTA program, raising the hourly stipend for foster grandparents and senior companions from $2.00 to $2.20, and authorizing the Director of ACTION to award funds for senior companion projects to assist the homebound or institutionalized elderly.

III. Text of Bill

Strike out all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1986".

VOLUNTEERISM POLICY

SEC. 2. (a) The Domestic Volunteer Service Act of 1973 (hereafter in this Act referred to as the "Act") is amended by inserting immediately after the table of contents the following new section:

"VOLUNTEERISM POLICY

"SEC. 2. (a) Because of the long-standing importance of volunteerism throughout American history, it is the policy of the Congress to foster the tradition of volunteerism through greater involvement on the part of both young and older citizens.

"(b) It is the intention of the Congress, through ACTION, the Federal domestic volunteer agency, to foster and expand voluntary citizen service, and coordinate its efforts with other Federal agencies. The ACTION Agency shall utilize to the fullest extent the energy, innovative spirit, experience, and skills of all Americans to serve local communities in activities designed to help the poor, the disadvantaged, and the vulnerable through the application of volunteer service.".

(b) The table of contents of the Act is amended by inserting before title I the following new item:

"Sec. 2. Volunteerism policy.".

VISTA LITERACY CORPS

SEC. 3. (a) Part A of title I of the Act is amended—

(1) by redesignating sections 104, 105, 106, 107, and 108 as sections 105, 106, 107, 108, and 109, respectively; and

(2) by inserting after section 103 the following new section:

"VISTA LITERACY CORPS

"SEC. 104. (a) As part of the Volunteers in Service to America program established under this part, the Director shall establish a VISTA Literacy Corps for the purpose of developing, strengthening, supplementing, and expanding efforts of both public and nonprofit organizations at the local, State, and Federal level to mobilize local, State, Federal, and private sector financial and volunteer resources to address the problem of illiteracy throughout the United States.

"(b)(1) The Director shall assign volunteers to projects and programs that provide assistance to functionally illiterate and illiterate individuals who are unserved or underserved by existing literacy education programs, with special emphasis upon

disadvantaged individuals having the highest risk of illiteracy, and individuals with the lowest reading and educational level of competence.

"(2) The Director shall ensure an equitable distribution of volunteers under this section in accordance with the equitable distribution requirement of section 414 of this Act. The Director shall give priority consideration to—

"(A) projects and programs operating in unserved and underserved areas with the highest concentration of illiteracy;

"(B) projects and programs serving individuals reading at the zero to fourth grade levels;

"(C) projects and programs focusing on providing literacy services to high risk populations;

"(D) projects and programs operating in areas with the highest concentration of individuals and families living at or below the poverty level; and

"(E) projects and programs providing literacy services to parents of disadvantaged children between the ages of two and eight, who may be educationally at risk.

"(3)(A) In assigning volunteers under this section, the Director shall assure that the organization sponsoring the project to which the volunteer is assigned meets the requirements of subparagraph (B).

"(B) The organizations to which subparagraph (A) applies are local, State, and national literacy councils and organizations; community-based nonprofit organizations; any local and State educational agencies; any State and local agencies administering adult basic education programs; educational institutions; libraries; anti-poverty organizations; local, city, and State governmental entities; and any other appropriate organization that meets the criteria set forth in section 103(a) of the Act.

"(c) The VISTA Literacy Corps shall consist of all volunteers serving under this section and all VISTA volunteers working on literacy projects and programs under section 103(a)(3).".

(b)(1) Section 112 of the Act is amended by striking out "sections 103(f) and 104(d)" and inserting in lieu thereof "sections 103(f) and 105(d)".

(2) Section 113 of the Act is amended—

(A) by striking out "section 104" and inserting in lieu thereof "section 105"; and

(B) by striking out "section 105(a)(1)" and inserting in lieu thereof "section 106(a)(1)".

(3)(A) Section 122(c)(1) of the Act is amended—

(i) by striking out "section 105(b)" and inserting in lieu thereof "section 106(b)"; and

(ii) by striking out "section 104(c) and 105(b)" and inserting in lieu thereof "section 105(c) and 106(b)".

(B) Section 122(c)(2) of the Act is amended—

(i) by striking out "section 105(a)" in clause (A) and inserting in lieu thereof "section 106(a)"; and

(ii) by striking out "104(d), and 105(a)" in clause (B) and inserting in lieu thereof "105(d) and 106(a)".

(4) Section 402(12) is amended by striking out "section 108" and inserting in lieu thereof "section 109".

FOSTER GRANDPARENT PROGRAMS

SEC. 4. Section 211 of the Act is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e)(1)(A) Subject to the provisions of subparagraph (B), pursuant to regulations which the Director may prescribe, individuals may serve as foster grandparents under this part who are not low-income persons if the individuals serve without stipend or reimbursement for expenses other than transportation, meals, and out-of-pocket expenses incident to the provision of services under this part.

"(B) No individual may serve as a nonstipend volunteer under this subsection in any community in which there are volunteers serving under part A of this title, relating to retired senior volunteer program.

"(2)(A) Each nonstipend volunteer shall comply with requirements of this part.

"(B) No appropriated funds may be diverted from direct volunteer benefits for low-income stipend volunteers to direct volunteer benefits for nonstipend volunteers under this part. The costs associated with nonstipend volunteers authorized by this subsection shall be paid from solicitations received pursuant to section 402(b), from locally generated contributions, or from resources contributed by the volunteer.

"(C) Volunteers not in the low-income category serving without stipend under this part shall not replace low-income volunteers serving with stipend.

"(3) The Director may not require as a condition of, or a criterion for, receiving any grant under this title that a grant recipient use nonstipend volunteers authorized by this subsection or solicit locally generated contributions for local use.".

SENIOR COMPANION PROGRAM

SEC. 5. Section 213 of the Act is amended by adding at the end thereof the following new subsection:

"(d)(1)(A) Subject to the provisions of subparagraph (B), pursuant to regulations which the Director may prescribe, individuals may serve as senior companions under this part who are not low-income persons if such individuals serve without stipend or reimbursement of expenses other than for transportation, meals, and out-of-pocket expenses incident to the provision of services under this part.

"(B) No individual may serve as a nonstipend volunteer under this subsection in any community in which there are volunteers serving under part A of this title, relating to retired senior volunteer program.

"(2)(A) Each nonstipend volunteer shall comply with requirements of this part.

"(B) No appropriated funds may be diverted from direct volunteer benefits for low-income stipend volunteers to direct volunteer benefits for nonstipend volunteers under this part. The costs associated with nonstipend volunteers authorized by this subsection shall be paid from solicitations received pursuant to section 402(b), from locally generated contributions, or from resources contributed by the volunteer.

"(C) Volunteers not in the low-income category serving without stipend under this part shall not replace low-income volunteers serving with stipend.

"(3) The Director may not require as a condition of, or a criterion for, receiving any grant under this title that a grant recipient use nonstipend volunteers authorized by this subsection or solicit locally generated contributions for local use.".

AUTHORITY OF THE DIRECTOR

SEC. 6. Section 402 of the Act is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end thereof the following:

"(b)(1) The Director is authorized to accept in the name of the ACTION Agency funds received through solicitation of profit and nonprofit entities and to employ or dispose of the funds in furtherance of the purposes of this Act, or of any title thereof. Consistent with the provisions of clause (5) of subsection (a) of this section, all funds so received shall become part of the gift fund account of the ACTION Agency and shall remain available until expended.

"(2) The Director shall assure that a majority of the aggregate amount in each fiscal year of all unrestricted gifts to the ACTION Agency will be spent to support volunteer projects carried out at the community level.

"(3) In carrying out the solicitation authorized by this subsection, the Director may not require local directors of volunteer projects to conduct solicitations at the community level.".

ADVISORY COUNCIL

SEC. 7. (a) Title IV of the Act is amended by inserting after section 404 the following new section:

"NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

"SEC. 405. (a)(1) There is established in the ACTION Agency a National Voluntary Service Advisory Council (hereafter in this section referred to as the 'Council') to be composed of not more than 25 members appointed by the Director. Such members shall be representative of VISTA volunteers and beneficiaries of the VISTA program, Older Americans volunteers and beneficiaries of the Older Americans volunteer program, national and local volunteer organizations, antipoverty organizations, national and local older individuals organizations, and other public and private organizations, groups, and individuals interested in serving programs or benefited by programs carried out by this Act. The Director shall assure that there will be an equitable distribution of members representing both the public and private sector.

"(2) The Director and Deputy Director of the ACTION Agency shall be ex officio members of the Council.

"(b) The Council shall—

"(1) advise the Director with respect to policy matters arising in the administration of this Act; and

"(2) upon the request of the Director, review the effectiveness and the operation of programs under this Act and make recommendations (including such proposals for changes in this Act as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort, and (C) the coordination of such programs with other Federal programs designed to assist the beneficiaries of this Act.

"(c)(1) Members of the Council shall serve for two-year terms. No individual shall serve for more than two consecutive terms.

"(2) The Council shall meet at least twice, but not more than four times, each year.

"(3) Members of the Council, other than individuals regularly employed by the Federal Government shall, while away from their homes or regular places of business, be paid travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

"(d)(1) Each member of the Council shall, pursuant to regulations prescribed by the Director, disclose any financial interest of the member with respect to any matter before the Council.

"(2) No member of the Council may participate in any decision or action taken by the Council with respect to any matter in which the member has a financial interest required to be disclosed pursuant to subparagraph (A) of this paragraph.

"(e)(1) The Director shall designate a temporary chairperson from among the members of the Council and shall call the initial meeting of the Council within 30 days after appointment of such Council. Members of the Council shall designate a permanent chairperson from among the members of the Council and shall meet at the call of the chairperson.

"(2) All meetings of the Council shall be open to the public and the Council shall provide notice as to the time, place, and purpose of each such meeting.

"(f) Not later than January 1 of each calendar year, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President to the Congress, together with his comments and recommendations. The Council may make such interim reports of its findings and recommendations as the Council deems appropriate.".

(b) Title IV of the table of contents of the Act is amended by inserting after item "Sec. 404." the following new item:

"Sec. 405. National Voluntary Service Advisory Council.".

EVALUATION

SEC. 8. Section 416(a) of the Act is amended to read as follows:

"(a) The Director shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals, in general, and in relation to their cost, their impact on related programs, and their structure and mechanism for delivery of services. Each program shall be evaluated at least once every four years. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.".

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

SEC. 9. (a) Subsections (a), (b), and (c) of section 501 are amended to read as follows:

"(a)(1) There is authorized to be appropriated to carry out part A of title I of this Act (other than section 104) $25,000,000 for fiscal year 1987, $25,750,000 for fiscal year 1988, and $26,522,500 for fiscal year 1989.

"(2) There is authorized to be appropriated to carry out section 104 of this Act $2,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989.

"(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for each of the fiscal years 1987, 1988, and 1989.

"(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,984,000 for each of the fiscal years 1987, 1988, and 1989.".

(b)(1) Section 501(d)(1) of the Act is amended by inserting "(other than section 104)" after "parts A".

(2) Section 501(d)(1) of the Act is amended by striking out "provide—

(A) 2,000 years of volunteer service in fiscal year 1984;

(B) 2,200 years of volunteer service in fiscal year 1985; and

(C) 2,400 years of volunteer service in fiscal year 1986",
and inserting in lieu thereof "provide 2,400 years of volunteer service in each of the fiscal years 1987, 1988, and 1989".

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS AUTHORIZATION

SEC. 10. Section 502 of the Act is amended to read as follows:

"NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS AUTHORIZATION

"SEC. 502. (a) There is authorized to be appropriated to carry out programs under part A of title II of this Act $31,100,000 for fiscal year 1987, $32,033,000 for fiscal year 1988, and $32,990,000 for fiscal year 1989.

"(b) There is authorized to be appropriated to carry out programs under part B of title II of this Act $58,700,000 for fiscal year 1987, $60,461,000 for fiscal year 1988, and $62,274,830 for fiscal year 1989.

"(c) There is authorized to be appropriated to carry out programs under part C of title II of this Act $28,600,000 for fiscal year 1987, $29,458,000 for fiscal year 1988, and $30,341,740 for fiscal year 1989.".

ADMINISTRATION AND COORDINATION

SEC. 11. Section 504 of the Act is amended to read as follows:

"ADMINISTRATION AND COORDINATION

"SEC. 504. There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $25,312,000 for fiscal year 1987 and for each fiscal year ending prior to October 1, 1989.".

TECHNICAL AMENDMENTS

SEC. 12. (a)(1) The heading of part C of title II of the Act is amended to read as follows:

"PART C—SENIOR COMPANION PROGRAM".

(2) The item for part C of title II in the table of contents of the Act is amended to read as follows:

"PART C—SENIOR COMPANION PROGRAM".

(b)(1) Section 16(a) of the Domestic Volunteer Service Act Amendments of 1984 is amended by striking out "Part C" and inserting in lieu thereof "Part D".

(2) Section 16(b) of such Act is amended by striking out "part C" and inserting in lieu thereof "part D".

(c)(1) The heading of section 213 of the Act is amended by striking out "THE PROGRAM" and inserting in lieu thereof "VOLUNTEER SERVICE PROJECTS".

(2) The item for section 213 in the table of contents of the Act is amended by striking out "the program" and inserting in lieu thereof "volunteer service projects".

(d) Section 122(a)(1) of the Act is amended by striking out a semicolon each place it appears and inserting in lieu thereof a comma.

(e) The fifth sentence of section 401 of the Act is amended by striking out "level 5" and inserting in lieu thereof "level V".

(f) Section 402(a)(1) of the Act (as redesignated by section 5(1) of this Act) is amended by inserting a comma immediately before "except" the second time it appears.

(g) Section 419 of the Act is amended by striking out "to this Act" and inserting in lieu thereof "to this Act)".

(h) Section 421(1) of the Act is amended by striking out "agency" and inserting in lieu thereof "Agency".

(i)(1) Section 105(b) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(2) Section 112 of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(3) Section 114(c) of the Act is amended by striking out "he" each time it appears and inserting in lieu thereof "the Director".

(4) Section 122(b) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(5)(A) Section 402(a) of the Act (as redesignated by section 5(1) of this Act) is amended by striking out "him" and inserting in lieu thereof "the Director".

(B) Section 402(a)(3) of the Act is amended by striking out "his functions" and inserting in lieu thereof "the functions of the Director".

(C) Section 402(a)(7) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(D) Section 402(a)(8) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(E) Section 402(a)(10) of the Act is amended by striking out "him" each time it appears and inserting in lieu thereof "the Director".

(F)(i) Section 402(a)(11)(B) of the Act is amended by striking out "him" and inserting in lieu thereof "the Director".

(ii) Section 402(a)(11)(B)(ii) of the Act is amended by striking out "his intention" and inserting in lieu thereof "the intention of the Director".

(G) Section 402(a)(14) is amended by striking out "he" and inserting in lieu thereof "the Director".

(6) Section 403(a) of the Act is amended by striking out "his official capacity" and inserting in lieu thereof "an official capacity".

(7) Section 404(e) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(8) Section 412(a) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(9) Section 415(d) of the Act is amended by striking out "he" and inserting in lieu thereof "the Director".

(10)(A) Section 601(c) of the Act is amended by striking out "his designee" and inserting in lieu thereof "the designee of the Director".

(B) Section 601(e) of the Act is amended by striking out "his official capacity" and inserting in lieu thereof "an official capacity".

IV. Committee Action

HEARING HISTORY

On February 6, 1986, the Subcommittee on Children, Family, Drugs and Alcoholism held a hearing on the reauthorization for the Domestic Volunteer Service Act. Witnesses included: Donna Alvarado, Director of the ACTION Agency, Francis Judd, a Senior Companion Volunteer from Clairfield, Utah; Sister Jean Goering, a Med-Crest VISTA Volunteer from Creston, Iowa; Ira Greiff, the VISTA Supervisor with the St. Francis House in Boston, Massachusetts; Daisy Martin, a Foster Grandparant volunteer from Ft. Lauderdale, Florida; Nancy Doctor, President of the National Association of Senior Companion Program Directors from Owensboro, Kentucky, Jim Sugarman, President of the National Association of Retired Senior Volunteer Program Directors from New York, New York, and Betty Manley, Vice President of the National Association of Foster Grandparent Program Directors from San Jose, California.

S. 2324, the Domestic Volunteer Service Act Amendments of 1986 was introduced in the Senate on April 17, 1986 and referred to the Subcommittee on Children, Family, Drugs and Alcoholism. The Senate Labor and Human Resources Committee considered S. 2324 on June 25, 1986 and reported S. 2324 with amendments by a voice vote.

V. Committee Views

VOLUNTEERISM POLICY

Section 2(b) of the Committee bill provides a statement of purpose or policy for the ACTION agency as a whole, in addition to

the current statements of purpose for the individually authorized programs. The section states that it is the policy of Congress to foster volunteerism through greater involvement of younger and older citizens. It further states that this policy be carried out by the ACTION Agency.

The Committee notes that the House Committee on Government Affairs Report 97-781 included in its finding that, "The Agency lacks an overall comprehensively stated purpose and mission in its legislation despite statements of purpose and intent for its subordinate programs." In response to similar concerns expressed by the agency, the Committee included the statement of policy to correct this deficiency. The statement of policy will eliminate ambiguity and confusion among the public among the public about the purpose and nature of the agency. It will give ACTION the impetus to proceed in a leadership position within the Federal government to coordinate volunteerism activities designed to help the poor. The statement of policy clarifies Congressional intent that ACTION, the Federal Domestic Volunteer Agency, foster and expand voluntary service, and coordinate its efforts with other Federal agencies. It further states that ACTION shall utilize to the fullest extent the energy, innovative spirit, experience and skills of all Americans to serve local communities in activities designed to help the poor, the disadvantaged and the vulnerable through the application of volunteer service.

VISTA FLOOR

The Committee has established a minimum VISTA service year funding floor of 2400 service years in fiscal years 1987, 1988 and 1989. Since the inception of the Domestic Service Volunteer Act in 1973, the legislation has included a VISTA funding floor either in dollars or service years. S. 2324 specified that of the funds appropriated for Title I programs, (Title I, Part A-VISTA, Title I, Part B-Service Learning, Title I, Part C—Demonstration and Special Volunteer Programs) not less than the amount necessary to support 2400 VISTA volunteer service years in FY '87, '88 and '89 must first be available to carry out the VISTA program under Title I, Part A. It is the desire of the Committee that if the Appropriations Committee increases the funding for Title I programs in accordance with the authorization Committee's recommendation, then the ACTION Agency should also increase the VISTA volunteer service years to reflect that funding increase.

VISTA LITERACY COMPONENT

The Committee is concerned about the literacy problem in America. The Committee recognizes that ACTION has dedicated substantial resources to combating this problem. RSVP has 13,400 volunteers working in literacy projects and 591 VISTA volunteers in 117 projects are responding to illiteracy. The ACTION Agency has also recently published an announcement of the availability of Part C funds for literacy programs. However, the Committee believes that VISTA has played an important role in the growing volunteer literacy movement in the United States and feels that expansion of this program would be the most cost-effective method of fostering a

more literate society. The current VISTA literacy effort has proven to be an effective means of institutionalizing a literacy project in the local community and help create a solid base organizational structure to ensure its continuation once VISTA assistance is ended. Since the VISTA programs has the advantage of national recognition and accessibility to the wide variety of organizations working in illiteracy, it will be able to reach previously underserved groups and individuals.

The provision directs the VISTA director to give priority consideration to projects operating in areas with the highest concentration of illiteracy, programs serving individuals reading below a fourth grade level, and the illiterate parents of children between the ages of 2 and 8 who may be at risk educationally, focusing on high risk populations and operating in areas with highest concentrations of poverty.

ACTION,
OFFICE OF THE DIRECTOR,
Washington, DC, July 7, 1986.

Hon. ORRIN HATCH,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

DEAR SENATOR HATCH: During the Committee on Labor and Human Resources mark-up of ACTION's reauthorization legislation on June 25th you requested my assurance that I would establish a procedure to expand national efforts to recruit and place VISTA Volunteers.

Beginning in the Second Quarter of FY '87, ACTION will provide assistance to sponsors in recruiting VISTA Volunteers with particular skills, experience, or other qualities not readily available in the local area. Regional Offices will forward to ACTION-VISTA Headquarters copies of detailed Volunteer Assignment Descriptions which will be used to match potential applicants with volunteer opportunities where their particular skills are needed. These descriptions will be submitted to VISTA Headquarters at least one quarter in advance of scheduled training sessions.

States and Regions will also forward to Headquarters throughout the year volunteer application forms, written inquiries and resumes which cannot be used within that Region, but which appear to have skills or experience that may be appropriate for a VISTA Applicant Talent Bank. Such individuals, along with inquiries received by VISTA Headquarters, as well as individuals identified through campus or professional association recruitment, will form a pool of skilled applicants who will be referred to individual sponsors, or State Offices if requested, based on the Assignment Descriptions submitted.

Sponsors who seek to use the services of VISTA's Talent Bank will have every opportunity to interview the individual(s) by phone and review, with the ACTION State Offices, the application form, references and other materials which the applicant may furnish. No applicant from the Talent Bank will be "pre-assigned" to a project without the sponsor's full concurrence. Additionally, all ACTION Regional Offices will receive extra volunteer travel funds to cover costs of relocating volunteers from within the Region or

from another Region. In all cases, the best possible skilled placement will be made within the resources available.

I believe these efforts will ensure that information on service opportunities that exist nationwide will be available to potential VISTA Volunteers. The Talent Bank will also provide sponsoring organizations with information on the availability of specialized skills of potential volunteers.

Sincerely,

DONNA M. ALVARADO.

NON-STIPENDED VOLUNTEERS

Section 3 and 4 of the Committee bill amends the Foster Grandparent program and the Senior Companion program respectively, to allow individuals not in the low-income category, to serve as Foster Grandparents and Senior Companions without stipend or reimbursement for expenses other than transportation and other out-of-pocket expenses. The Committee intends that this provision will enhance and expand volunteerism opportunities for older Americans without the need for additional authorization or appropriations.

This section will not, in any way, threaten the existence or levels of service of the currently authorized stipended volunteer program. The language is carefully drafted to ensure that all Federal appropriations are safeguarded for the low-income, stipended volunteers. The section also prohibits any supplanting or replacement of stipended volunteers with non-stipended volunteers. It is the Committee's position that the purpose of this section not be to lower the cost per volunteer to the program; rather, given the reality of deficit reduction efforts and the need to hold the line on most federal programs, the purpose is to provide an innovative mechanism to expand voluntary service opportunities for the elderly.

In testimony before the Subcommittee on Children, Family Drugs and Alcoholism, the Director of ACTION, Donna M. Alvarado, discussed the fact that sometimes older Americans contact their local Foster Grandparent or Senior Companion project eager to serve the needy, only to be turned away because they do not meet the income eligibility requirements of the program. Because FGP and SCP projects are not always co-located with an RSVP project, it is not always possible to refer the potential volunteer to a non-stipended program alternative. The resources of the individual would then go untapped.

Ms. Alvarado also discussed the thousands of at-risk children and adults who must do without a volunteer because the program is limited in the number of stipended volunteers it can fund. Thus the Committee intends the new provision to serve two purposes: (1) to open opportunities for and tap the un-used resources of Older Americans, and (2) to expend needed services to the un-served population. Therefore, the bill provides authority for the enrollment of non-stipended volunteers in Foster Grandparent and Senior Companion programs.

To preserve the low-income focus of the Foster Grandparent and Senior Companion programs an amendment was unanimously accepted to enroll non-stipended volunteers in the Retired Senior

Volunteer Program first. RSVP directors are to place volunteers in projects serving children with exceptional needs and the frail elderly upon the request of the volunteer. Should an RSVP program not be available in the volunteer's community, a non-stipended volunteer may be placed in a Foster Grandparent or Senior Companion program.

The Committee realizes, however, that there is some cost involved in placing non-stipended volunteers. The provision states that the volunteers are eligible for reimbursement for out-of-pocket expenses which include meals (while on the job), transportation and physical examinations. The provision states that federal appropriations may not be used for these purposes. It is intended that the sources of funding for the administrative costs associated with the non-stipended volunteer come from the solicitations accumulated from the Director's gift fund. Other sources of financing those administrative costs may include private sector contributions donated at the local level that exceed the local match and are earmarked for such purpose or solicitations for that purpose, or even contributions from the volunteer.

According to the agency, only 47% of non-stipended volunteers in other ACTION projects actually request reimburesment for transportation. Meals and physical examinations are usually provided by the volunteer site and thus are not a direct cost to the FGP or SCP project. Similarly recognition events are often provided by private or local resources. Other volunteer expenses, insurance and uniforms, are estimated to be $15 per volunteer. The potential volunteer could be required to cover this cost him/herself, or the project could use non-federal funds. In summary, the cost associated with the proposal are expected to be minimal and therefore should not be an impediment to the assignment of non-stipended volunteers.

The Committee expects the Agency to make available technical assistance to any project in the recruitment, placement, and funding of non-stipended volunteers.

Concerns have been raised that tensions may develop between stipended and non-stipended volunteers and that eventually, unmanageable problems will arise between the two types of volunteers. Any potential for problems can be avoided by placing volunteers in separate volunteer stations where warranted. Further, the Committee intends that the amendment shall not be construed to grant or create any special privileges or special status among volunteers, stipended or non-stipended. Volunteers shall be treated equitably with regard to volunteer assignment.

The Committee recognizes that the current requirement for a 20 hour workweek for Foster Grandparent and Senior Companion volunteers is determined by regulations, not by legislative mandate and that the non-stipended volunteers under the Retired Senior Volunteer Program have no mandated workweek. However, the Committee intends that workweek for non-stipended volunteers working in the Foster Grandparent and Senior Companion program be established and that the primary factor in determining the amount of that workweek be the need to establish and maintain a one-on-one relationship between the volunteer and the child or frail elderly client they are serving.

It should be clear that although the amendment provides the discretion to place non-stipended volunteers, there is no requirement for projects to do so. The recruitment and placement of non-stipended volunteers shall not be considered to be a measure of success or failure of any project.

Finally, the Committee recognizes that the success of this proposal depends, in large part, on the skill and diplomacy of the project directors at the local level, as well as on their commitment to the expansion of their programs.

The Committee also directs the Agency to conduct an evaluation of the new program of enrolling non-stipended volunteers in the Foster Grandparent and Senior Companion programs.

PRIVATE SECTOR SUPPORT

Section 5 of the Committee bill expands and supplements the Directors current authority to accept in the name of the ACTION Agency, funds received through solicitation of profit and nonprofit entities and to employ and dispose of the fund in furtherance of the purposes of this Act or any title within. The bill provides the Director with the authority to seek private sector participation and support in expanding volunteerism.

The committee directs the Director of ACTION to promulgate guidelines for the solicitation of private sector funds prior to any solicitation, after consultation with appropriate parties. It is the Committee's intent that such guidelines assure that the agency seeks new sources of funding for programs in a manner that minimizes competition with local projects. The guidelines should provide a process for safeguarding potential donors' existing contributions to local projects. In addition, the Committee directs the agency to provide technical assistance on fundraising techniques on a regularly scheduled basis and upon request. These points will ensure that any fundraising activity at ACTION headquarters will not supplant local projects' current efforts to raise funds to meet the required match.

In authorizing this section, the Committee's intent is to provide greater support for volunteer projects in the field. The amendment requires that the majority of non-earmarked funds be allocated directly to local projects. It is the Committee's intent that funds received under this authority not be used for salaries, rents, equipment, general entertainment, advisory council expenses, staff travel, or other administrative expenses. However, Congress has expressed an interest in the expansion of the Foster Grandparent and Senior Companion to non-stipended volunteers and has suggested that the administrative expenses associated with this expansion may be borne by this fund. The Committee has also expressed an interest in public awareness efforts for the programs and the Committee recognizes that private sector funds might be used to supplement ongoing Agency activities in this area. The Committee also recognizes that need for private sector funds in the recognition of volunteers and program anniversaries.

The bill adds a provision clarifying that the Director of ACTION can not require local directors of volunteer projects to conduct solicitations for this gift fund at the local level.

The Committee directs the agency to allocate funds received under this authority which are not earmarked for a particular Title or program in an equitable manner. The Committee is aware of the need to develop special stipulations of how funds be spent, as long as such activity is consistent with the purposes of the Act.

The committee directs the Agency to submit an annual report by March 1st of each year to the Chairman of the Senate Committee on Labor and Human Resources and the Chairman of the House Committee on Education and Labor including the following information: (1) the amount of money raised under the new authority; (2) the names of donors, if available and any stipulation attached to the gift; (3) the process used in soliciting funds; (4) the allocation of such funds to ACTION programs; (5) the manner in which the funds were used and the selection process employed to identify recipients and; (6) any recommendations to improve the solicitation process and diminish the incidence of competition.

NATIONAL VOLUNTEER SERVICE ADVISORY COUNCIL

Section 6 of the Committee bill re-establishes the Agency's National Volunteer Service Advisory Council, which expired on December 31, 1985 pursuant to PL 98-288. It is the position of the Committee that the re-establishment of the Advisory Council is appropriate given the public/private voluntary nature of ACTION programs. The Council shall consist of not more than 25 members appointed by the Director. The Council members shall be representative of VISTA volunteers and beneficiaries of the VISTA program, Older American volunteers and beneficiaries of the Older American Volunteer programs, national and local volunteer organizations, antipoverty organizations, national and local older American organizations and other public and private organizations, groups, and individuals interested in serving programs or benefited by programs carried out by this Act. The Committee intends that the members of the Council serve for a two-year term with no individual serving for more than two consecutive terms. The Committee bill includes conflict of interest guidelines that all Council members must comply with. All meetings of the Council are required by the Committee to be open to the public with advance notice of the time, place and purpose of each such meeting. The make-up of the Council is intended to bring a balance to the Council between private and public volunteer advocates and persons knowledgeable of the programs of the ACTION Agency, as well as geographic distribution of Council members.

The Committee re-establishes the council in response to testimony delivered by ACTION Director Donna M. Alvarado before the Subcommittee on Children, Family, Drugs and Alcoholism on February 6, 1986. Director Alvarado stated that the Council significantly contributed to the Agency's ability to accomplish its mission. She further stated that the Council provided the Agency more of an opportunity to garner community and private sector resources which, in turn, stimulate and motivate volunteerism. The Committee was also concerned by the lack of representation by individuals who had participated or been served by ACTION programs on the

National Voluntary Service Advisory Council established by Section 9(c) of the Federal Advisory Committee Act.

The Committee intends that the Council will serve as the exclusive Advisory Council to the Director and that no other statutory powers shall be used to create a similar council. The Committee amendment states that the purpose of the Council is to advise the Director with respect to policy matters, review the effectiveness and the operation of programs and make recommendations for improvement of the programs. The amendment also requires the Council to submit an annual report to the President for transmittal to Congress not later than January 1 of each calender year.

EVALUATION

Section 7 of the Committee bill amends the Act by requiring that ACTION agency programs be evaluated at least once every 4 years rather than biennially. The Committee intends that with the amendment, the Agency's evaluations planning and implementation would be accomplished more efficiently, and with a reduction in overall cost.

VI. Votes in Committee

In Executive Session on June 25, 1986, the Labor and Human Resources Committee unanimously ordered S. 2324 reported favorably. A Committee amendment offered by Senator Hawkins which incorporated amendments dealing with non-stipended volunteers, the VISTA floor, a literacy component within VISTA and the National Advisory Council, was accepted by the Committee on voice vote. Senator Dodd's amendment on the non-stipended volunteer provisions was accepted by the Committee on voice vote.

VII. Regulatory Impact Statement

Pursuant to Section 602 of Senate Resolution 4 concerning the regulatory impact of proposed legislation, the Committee has determined that there will be minimal increase in regulatory burden or paperwork imposed by the bill.

VIII. Cost Estimate

U.S. Congress,
Congressional Budget Office,
Washington, DC, July 8, 1986.

Hon. Orrin G. Hatch,
Chairman, Committee on Labor and Human Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate for S. 2324, the Domestic Volunteer Service Act Amendments of 1986, as ordered reported by the Senate Committee on Labor and Human Resources on June 25, 1986.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

1. Bill number: S. 2324.

2. Bill title: Domestic Volunteer Service Act Amendments of 1986.

3. Bill status: As ordered reported by the Senate Committee on Labor and Human Resources on June 25, 1986.

4. Bill purpose: The purpose of this bill is to amend and extend the authorization for appropriations for programs under ACTION, the Federal Domestic Volunteer Agency. This bill is subject to subsequent appropriations action.

5. Estimated cost to the Federal Government:

[By fiscal year, in millions of dollars]

	1987	1988	1989	1990	1991
National volunteer antipoverty programs:					
Volunteers in Service to America:					
Authorization level	25	26	27	.....	.....
Estimated outlays	15	25	26	10	1
VISTA Literacy Corps:					
Authorizaton level	2	3	5	.....	.....
Estimated outlays	1	3	4	2	.....
Service-Learning Corps:					
Authorization level	2	2	2	.....	.....
Estimated outlays	1	2	2	1	.....
Special volunteer programs:					
Authorization level	2	2	2	.....	.....
Estimated outlays	1	2	2	1	.....
National older Americans volunteer programs:					
Retired Senior Volunteer Program:					
Authorization level	31	32	33	.....	.....
Estimated outlays	19	31	33	13	1
Foster Grandparents and Community Service Programs:					
Authorization level	59	60	62	.....	.....
Estimated outlays	36	59	62	25	1
Senior Companion Program:					
Authorization level	29	29	30	.....	.....
Estimated outlays	17	29	30	12	1
Administration and coordination:					
Authorization level	25	25	25	.....	.....
Estimated outlays	15	25	25	10	1
Bill total:					
Estimated authorization level	174	180	186	.....	.....
Estimated outlays	106	174	184	73	4

Note.—Estimates may not add due to rounding.

Basis of estimate: This bill authorizes funds for the domestic volunteer programs run by ACTION, including Volunteers in Service to America (VISTA) and other antipoverty programs, and Older Americans Volunteer Programs. These programs are authorized at stated levels for 1987 through 1989.

Outlays estimates were made assuming full appropriations of authorization levels, and assuming continuation of the current spending pattern of these programs.

6. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local government would not be affected directly by the enactment of this bill.

7. Estimate comparison: On May 1, 1986, CBO prepared a cost estimate for H.R. 4116, the Domestic Volunteer Service Act Amendments of 1986, as ordered reported by the House Education and Labor Committee. CBO estimated the total authorization level of H.R. 4116 to be $181 million in 1987, $189 million in 1988, and $201 million in 1989.

8. Previous CBO estimate: None.

9. Estimate prepared by: Ken Pott.

10. Estimate approved by: C.G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

IX. Section-by-Section Analysis of the Domestic Volunteer Service Act Amendments of 1986 (S. 2324)

SECTION 1

Section 1 of the bill names the Act as the "Domestic Volunteer Service Act Amendments of 1986."

VOLUNTEERISM POLICY

Section 2 of the bill adds a new section stating that the policy of the Congress is to foster the tradition of volunteerism through greater involvement of both young and older citizens. This section also states that it is the intention of Congress, through the ACTION agency to foster and expand voluntary citizen service, and coordinate efforts within other Federal agencies. ACTION is required to utilize the energy, innovative spirit, experience, and skills of all Americans to serve local communities in activities designed to help the poor, disadvantaged, and vulnerable through volunteer service.

VISTA LITERACY CORPS

Section 3 of the bill adds a new subsection 104, which establishes a VISTA Literacy Corps. The Corps is to develop, strengthen, supplement, and expand efforts of public and nonprofit organizations at the local, State, and Federal levels in mobilizing public and private financial and volunteer resources to address the problem of illiteracy throughout the United States.

The Director is required to assign volunteers to projects and programs that provide assistance to functionally illiterate and illiterate individuals unserved or underserved by existing literacy education programs. Special emphasis is to be placed upon disadvantaged individuals having the highest risk of illiteracy, and individuals with the lowest reading and educational level of competence. The Director is required to ensure equitable distribution of volunteers so that benefits and services are provided equitably between residents of rural and urban areas. The section further specifies that the Director shall give priority to projects and programs (1) operating in unserved and underserved areas with the highest concentration of illiteracy, (2) serving individuals reading below the fourth

grade level, (3) focusing on providing literacy services to high risk populations, (4) operating in areas with the highest concentration of individuals and families at or below the poverty level, and (5) providing literacy services to parents of disadvantaged children between age 2 and 8, who may be educationally at risk.

The Director also shall assure that volunteers are assigned to local, State, and national literacy councils and organizations; community-based nonprofit organizations; local and State educational agencies; State and local agencies administering adult basic education programs; educational institutions; libraries; anti-poverty organizations; local, city, and State governmental entities; and other appropriate organizations authorized under the Act to be a VISTA sponsor. This section also provides that the VISTA Literacy Corps consists of all volunteers serving under this section and all VISTA volunteers working on literacy projects and programs.

Section 3 of the bill also makes technical and conforming changes.

FOSTER GRANDPARENT PROGRAM

Section 4 of the bill amends section 211 of the Act by adding a new subsection authorizing the enrollment as foster grandparents, individuals who do not have low-income, if such individuals serve without stipend or reimbursement for expenses other than for transportation, meals, and out-of-pocket expenses incident to providing foster grandparent services. The section prohibits individuals from serving as nonstipend foster grandparents in any community in which there are volunteers serving in the Retired Senior Volunteer Service Program.

It requires that each nonstipend volunteer comply with foster grandparent program requirements. It prohibits appropriations from being diverted from direct volunteer benefits for low-income stipend volunteers to direct volunteer benefits for nonstipend volunteers. It requires that costs associated with nonstipend volunteers be paid from solicitations of funds from profit and nonprofit entities as provided under new subsection 402(b), from locally generated contributions, or from resources contributed by the volunteer.

Volunteers who are not low-income and are serving without stipend are prohibited from replacing low-income volunteers serving with stipend.

It also prohibits the Director from requiring as a condition of, or a criterion for, receiving a grant, that a grant recipient use nonstipend volunteers or solicit locally generated contributions for local use.

SENIOR COMPANION PROGRAM

Section 5 of the bill amends section 213 of the Act by adding a new subsection authorizing the enrollment as senior companions, individuals who do not have low income, if such individuals serve without stipend or reimbursement for expenses other than for transportation, meals, and out-of-pocket expenses incident to providing senior companion services. The section prohibits individuals from serving as nonstipend senior companions in any community

in which there are volunteers serving in the Retired Senior Volunteer Service Program.

It requires that each nonstipend volunteer comply with senior companion program requirements. It prohibits appropriations from being diverted from direct volunteer benefits for low-income stipend volunteers to direct volunteer benefits for nonstipend volunteers. It requires that costs associated with nonstipend volunteers be paid from solicitations of funds from profit and nonprofit entities as provided under new section 402(b), from locally generated contributions, or from resources contributed by the volunteer.

Volunteers who are not low-income and are serving without stipend are prohibited from replacing low-income volunteers serving with stipend.

It also prohibits the Director from requiring as a condition of, or a criterion for, receiving a grant, that a grant recipient use nonstipend volunteers or solicit locally generated contributions for local use.

AUTHORITY OF THE DIRECTOR

Section 6 of the bill amends section 402 of the Act to add a new subsection regarding authorized duties of the Director. It authorizes the Director to accept solicited funds from profit and non-profit entities, and to use the funds in accordance with the purposes and the activities authorized by the Act. The bill requires, consistent with section 402(5) of the Act, that all funds shall become part of the gift fund account of ACTION and shall remain available until expended. The subsection also requires the Director to assure that a majority of the amount of all unrestricted gifts to ACTION each fiscal year will be spent to support volunteer projects at the community level. In carrying out this subsection, the Director may not require local directors of volunteer projects to solicit funds at the community level.

ADVISORY COUNCIL

Section 7 of the bill amends title IV of the Act by inserting a new subsection 405 to establish a National Voluntary Service Advisory Council. The Council is to be composed of not more than 25 members appointed by the Director. The members are to represent VISTA volunteers and beneficiaries of the VISTA program, older American volunteers, and beneficiaries of the Older American Volunteer Program, national and local volunteer organizations, antipoverty organizations, national and local older individuals organizations, and other public and private organizations, groups and individuals interested in serving programs or benefited by programs carried out under this Act. The Director is to assure an equitable distribution of members from the public and private sectors. This section designates chairpersons and ex-officio members, and sets the initial meeting date.

Section 7 further specifies that the council shall advise the Director on policy matters arising in the administration of the Act. Upon the request of the Director, the Council shall review the effectiveness and the operation of programs under the Act and make recommendations including legislative changes concerning (1) the

improvement of such programs, (2) the elimination of duplication of effort, and (3) the coordination of such programs with other Federal programs designed to assist the beneficiaries of this Act.

The section provides that council members are to serve a 2-year term with no individual serving more than two consecutive terms. The Council is to meet at least twice a year, but not more than four times a year. Council members, other than Federal employees, are to be paid travel expenses and per diem for the time away from home or regular place of business. Also specified are financial disclosure requirements of members.

The Council is required to make annual reports of its findings and recommendations by January 1st of each year. The reports are to be sent to the President who is required to send them to Congress with his comments and recommendations. The Council may make interim reports of its findings and recommendations as it deems appropriate. Council meetings are to be public and there is to be a notice of their time, place, and purpose.

EVALUATION

Section 8 of the bill restates and also amends part of section 416(a) of the Act regarding evaluations. It specifies that the Director shall measure and evaluate the impact of all programs authorized by this Act in terms of their effectiveness in achieving stated goals, in general, and in relation to their cost; their impact on related programs; and their structure and mechanism for delivery of services. Each program shall be evaluated at least once every 4 years. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

Section 9 of the bill amends section 501 of the Act to authorize the following appropriations for fiscal years 1987, 1988, and 1989:

	Fiscal year—		
	1987	1988	1989
Volunteers in Service to American (VISTA) [1]	$25,000,000	$25,750,000	$26,522,500
VISTA Literacy Corps	2,000,000	3,000,000	5,000,000
Service learning programs	1,800,000	1,800,000	1,800,000
Special volunteer projects	1,984,000	1,984,000	1,984,000

[1] Other than for sec. 104 of title I, VISTA Literacy Corps.

Section 9 also amends section 501(d)(1) to provide that of appropriations made available for parts A, B, and C of title I, amounts shall first be available to support not less than 2,400 years of volunteer service for each of fiscal years 1987, 1988, and 1989.

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS AUTHORIZATION

Section 10 of the bill amends section 502 of the Act to authorize the following appropriations for fiscal years 1987, 1988, and 1989:

	Fiscal year—		
	1987	1988	1989
Retired Senior Volunteer Program	$31,100,000	$32,033,000	$32,990,000
Foster Grandparent Program	58,700,000	60,461,000	62,274,830
Senior Companion Program	28,600,000	29,458,000	30,341,740

ADMINISTRATION AND COORDINATION

Section 11 of the bill amends section 504 of the Act to authorize for administration of the Act, as authorized in title IV, $25,312,000 for fiscal year 1987 and for each fiscal year ending prior to October 1, 1989.

TECHNICAL AMENDMENTS

Section 12 of the bill makes various technical amendments, including the following. Section 12(b) corrects an amendment in the "Domestic Volunteer Service Act Amendments of 1984" which refers to "part C" instead of "part D, General Provisions."

Section 12(c) changes the heading for section 213 of the Act (containing provisions for the senior companion program) to "Grants and Contracts for Volunteer Service Projects." This subsection also makes the change in the Table of Contents.

The remaining subsections eliminate references to the gender of the Director of the ACTION agency, and make punctuation or other technical changes in the Act.

X. Changes in Existing Law

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Domestic Volunteer Service Act of 1973

(Public Law 93-113)

AN ACT To provide for the operation of programs by the ACTION Agency, to establish certain new such programs, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act, with the following table of contents, may be cited as the "Domestic Volunteer Service Act of 1973";

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TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

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Sec. 201. Grants and contracts for volunteer service projects.

PART B—FOSTER GRANDPARENT PROGRAM

Sec. 211. Grants and contracts for volunteer service projects.
Sec. 212. Conditions of grants and contracts.

PART C—SENIOR COMPANION[S] PROGRAM

Sec. 213. Grants and contracts for [the program] *volunteer service projects.*

PART D—GENERAL PROVISIONS

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Sec. 401. Establishment of agency.
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Sec. 409. Prohibition of Federal control.
Sec. 410. Coordination with other programs.
Sec. 411. Prohibition.
Sec. 412. Notice and hearing procedures for suspension and termination of financial assistance.
Sec. 413. [Repealed].[2]
Sec. 414. Distribution of benefits between rural and urban areas.
Sec. 415. Application of Federal law.
Sec. 416. Evaluation.
Sec. 417. Nondiscrimination.
Sec. 418. Eligibility for other benefits.
Sec. 419. Legal expenses.
Sec. 420. Requirements for prescribing regulations.
Sec. 421. Definitions.
Sec. 422. Audit.
Sec. 423. Reduction of paperwork.
Sec. 424. Review of project renewals.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. National volunteer antipoverty programs authorization.
Sec. 502. National older Americans volunteer programs.
Sec. 503. [Repealed.]
Sec. 504. Administration and coordination.
Sec. 505. Availability of appropriations.

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
Sec. 602. Creditable service for civil service retirement.
Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
Sec. 604. Repeal of title VI of the Older Americans Act.

VOLUNTEERISM POLICY

SEC. 2. (a) Because of the long-standing importance of volunteerism throughout American history, it is the policy of the Congress to foster the tradition of volunteerism through greater involvement on the part of both young and older citizens.

(b) It is the intention of the Congress, through ACTION, the Federal domestic volunteer agency, to foster and expand voluntary citizen service, and coordinate its efforts with other Federal agencies. The ACTION Agency shall utilize to the fullest extent the energy, innovative spirit, experience, and skills of all Americans to serve local communities in activities designated to help the poor, the disadvantaged, and the vulnerable through the application of volunteer service.

TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

PART A—VOLUNTEERS IN SERVICE TO AMERICA

SEC. 101-103. * * *

VISTA LITERACY CORPS

SEC. 104. (a) As part of of the Volunteers in Service to America program established under this part, the Director shall establish a VISTA Literacy Corps for the purpose of developing, strengthening, supplementing, and expanding efforts of both public and nonprofit organizations at the local, State, and Federal level to mobilize local, State, Federal, and private sector financial and volunteer resources to address the problem of illiteracy throughout the United States.

(b)(1) The Director shall assign volunteers to projects and programs that provide assistance to functionally illiterate and illiterate individuals who are unserved or underserved by existing literacy education programs, with special emphasis upon disadvantaged individuals having the highest risk of illiteracy, and individuals with the lowest reading and educational level of competence.

(2) The Director shall ensure an equitable distribution of volunteers under this section in accordance with the equitable distribution requirement of section 414 of this Act. The Director shall give priority consideration to—

(A) projects and programs operating in unserved and underserved areas with the highest concentration of illiteracy;

(B) projects and programs serving individuals reading at the zero to fourth grade levels;

(C) projects and programs focusing on providing literacy services to high risk populations;

(D) projects and programs operating in areas with the highest concentration of individuals and families living at or below the poverty level; and

(E) projects and programs providing literacy services to parents of disadvantaged children between the ages of two and eight, who may be educationally at risk.

(3)(A) In assigning volunteers under this section, the Director shall assure that the organization sponsoring the project to which the volunteer is assigned meets the requirements of subparagraph (B).

(B) The organizations to which subparagraph (A) applies are local, State, and national literacy councils and organizations; community-based nonprofit organizations; any local and State educational agencies; any State and local agencies administering adult basic education programs; educational institutions; libraries; anti-poverty organizations; local, city, and State government entities; and any other appropriate organization that meets the criteria set forth in section 103(a) of the Act.

(C) The VISTA Literacy Corps shall consist of all volunteers serving under this section and all VISTA volunteers working on literacy projects and programs under section 103(a)(3).

TERMS AND PERIODS OF SERVICE

SEC. [104] *105.* (a) Volunteers serving under this part shall be required to make a full-time personal commitment to combating poverty and poverty-related problems. To the maximum extent practicable, the requirement for full-time commitment shall include a commitment to live among and at the economic level of the people served, and to remain available for service without regard to regular working hours, at all times during their periods of service, except for authorized periods of leave.

(b) Volunteers serving under this part may be enrolled for periods of service not exceeding two years, but for not less than one-year periods of service, except that volunteers serving under this part may be enrolled for periods of service of less than one year when the Director determines, on an individual basis, that a period of service of less than one year is necessary to meet a critical scarce-skill need. Volunteers serving under this part may be reenrolled for periods of service totaling not more than two years. No volunteer shall serve for more than a total of five years under this part.

(c) Volunteers under this part shall, upon enrollment, take the oath of office as prescribed in section 5(j) of the Peace Corps Act as amended (22 U.S.C. 2504(j)), except that persons legally residing within a State but who are not citizens or nationals of the United States, may serve under this part without taking or subscribing to such oath, if the Director determines that the service of such persons will further the interests of the United States. Such persons

shall take such alternative oath or affirmation as the Director shall deem appropriate.

(d) the Director shall establish a procedure, including notice and opportunity to be heard, for volunteers under this part to present and obtain resolution of grievances and to present their views in connection with the terms and conditions of their service. The Director shall promptly provide to each volunteer in service on the date of enactment of this Act, and to each such volunteer beginning service thereafter, information regarding such procedure and the terms and conditions of their service.

SUPPORT SERVICE

SEC. [105] *106.* (a)(1) The Director may provide a stipend to volunteers, while they are in training and during their assignments, enrolled for periods of service of not less than one year under this part, except that the Director may, on an individual basis, make an exception to provide a stipend to a volunteer enrolled under this part for an extended period of service not totaling one year. Such stipend shall not exceed $75 [1] per month during the volunteer's service, except that the Director may provide a stipend not to exceed $75 per month in the case of persons who have served for at least one year and who, in accordance with standards established in regulations which the Director shall prescribe, have been designated volunteer leaders on the basis of experience and special skills and a demonstrated leadership among volunteers.

(2) Stipends shall be payable only upon completion of a period of servide, except that under such circumstances asd the director shall determine, in accordance with regulations which the Director shall prescribe, the accrued stipend, or any part of the accrued stipend may be paid to the volunteer, or, on behalf of the volunteer, to members of the volunteer's family or others during the period of the volunteer's service. In the event of the death of a volunteer during service, the amount of any unpaid stipend shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(b) The Director shall also provide volunteers such living, travel (including travel to an from places of training), and leave allowances, and such housing, supplies, equipment, subsistence, clothing, health and dental care, transportation, supervision, preservice training and where appropriate in-service training, technical assistance and such other support as [he] *the Director* deems necessary and appropriate to carry out the purpose and provisions of this part, and shall insure that each such volunteer has available such allowances and support as will enable the volunteer to carry out the purpose and provisions of this part and to effectively perform the work to which such volunteer is assigned.

PARTICIPATION OF BENEFICIARIES

SEC. [106] *107.* To the maximum extent practicable, the people of the communities to be served by volunteers under this title shall participate in planning, developing, and implementing programs thereunder, and the Director, after consultation with sponsoring agencies (including volunteers assigned to them) and the people

served by such agencies, shall establish in regulations a continuing mechanism for the meaningful participation of such program beneficiaries.

PARTICIPATION OF OLDER PERSONS

SEC. [107] *108.* In carrying out this part and part C of this title, the Director shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of older persons and older persons membership groups as volunteers and participant agencies in the various programs and activities authorized under such parts and because of the high proportion of older persons within the poverty group, shall encourage the development of a variety of volunteer services to older persons, including special projects, to assure that such persons are served in proportion to their need.

LIMITATION [1]

SEC. [108] *109.* (a) Of funds appropriated for the purpose of this part under section 501, not more than 16 per centum for the fiscal year ending September 30, 1984, and for each fiscal year thereafter, may be obligated for the direct cost of supporting volunteers in programs or projects carried out pursuant to grants and contracts made under section 402(12).

(b) No funds shall be obligated under this part pursuant to grants or contracts, made after the date of the enactment of the Domestic Volunteer Service Act Amendments of 1979 for new projects for the direct cost of supporting volunteers unless the recipient of each such grant or contract has been selected through a competitive process which includes—

(1) public announcements of the availability of funds for such grants or contracts general criteria for the selection of new recipients, and a description of the application process and the application review process; and

(2) a requirement that each applicant for any such grant or contract identify, with sufficient particularity to assure that the assignments of volunteers under such grants and contracts will carry out the purpose of this part, the particular poverty or poverty-related problems on which the grant or contract will focus, and any such grant or contract shall specifically so identify such problems.

PART B—FOSTER GRANDPARENT PROGRAM

SEC. 111.* * *

AUTHORITY TO OPERATE UNIVERSITY YEAR FOR ACTION PROGRAM

SEC. 112. Except as otherwise provided in this part, the Director is authorized to conduct or make grants and contracts for, or both, programs to carry out the purpose of this part in accordance with the authorities and subject to the restriction in the provisions of part A of this title, except for the provision of section [103(f) and 104(d)] *Section 103(f) and 105(d)* and except that the Director may, in accordance with regulation [he] *the Director* shall prescribe,

determine to reduce or eliminate the stipend for volunteers serving under this part on the basis of the value of benefits provided such volunteers by the institution in question (including the reduction or waiver of tuition).

SPECIAL CONDITIONS

SEC. 113. (a) Volunteers serving under this part shall be enrolled for periods of service as provided for in subsection (b) of section [104] *105*, except that volunteers serving in the University Year for ACTION program may be enrolled for periods of service of not less than the duration of an academic year, but volunteers enrolled for less than 12 months shall not receive stipends under section [105(a)(1)] *106(a)(6)*. Volunteers serving under this part may receive academic credit for such service in accordance with the regulations of the sponsoring institution of higher education.

(b) Grants to and contracts with institutions to administer programs under this part shall provide that prospective student volunteers shall participate substantially in the planning of such programs and that such institutions shall make available to the poor in the surrounding community all available facilities, including human resources, of such institutions in order to assist in meeting the needs of such poor persons.

(c)(1) In making grants or contracts for the administration of UYA programs under this part, the Director shall insure that financial assistance under this Act to programs carried out pursuant to section 112 of this part shall not exceed 90 per centum of the total cost (including planning costs) of such program during the first year and such amounts less than 90 per centum as the Director, in consultation with the institution, may determine for not more than four additional years, including years in which support was received under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d). Each such grant or contract shall stipulate that the institution will make every effort to (A) assume an increasing proportion of the cost of continuing a program carrying out the purpose of this part while the institution receives support under this part; (B) waive or otherwise reduce tuition for participants in such program, where such waiver is not prohibited by law; (C) utilize students and faculty at such institution to carry out, on a self-supporting basis, appropriate planning for such programs; and (D) maintain similar service-learning programs after such institution no longer receives support under this part.

(2) The Director shall take necessary steps to monitor the extent of compliance by such institutions with commitments entered into under paragraph (1) of this subsection and shall advise the Secretary of Health and Human Services of the extent of each such institution's compliance.

SPECIAL SERVICE-LEARNING PROGRAMS

SEC. 114. (a) The Director is authorized to make grants and contracts for technical assistance, training, and projects which encourage and enable students in secondary, secondary vocational, and postsecondary schools to participate in service-learning programs

on an in-school or out-of-school basis in assignments of a character and on such terms and conditions as are described in subsections (a) and (e) of section 103. Any project assisted under this part shall meet the anti-poverty criteria of section 111 and contain an educational and service component.

(b) Persons serving as volunteers under this section shall not be deemed to be Federal employees for any purposes.

(c) The Director may provide volunteers serving under this section a living allowance and only such other support or allowance as [he] *the Director* determines, pursuant to regulations which [he] *the Director* shall prescribe, are required because of unusual or special circumstances affecting the program.

PART C—SPECIAL VOLUNTEER PROGRAMS

SEC. 121. * * *

AUTHORITY TO ESTABLISH AND OPERATE PROGRAMS

SEC. 122. (a)(1) The Director is authorized to conduct or make grants or contracts, or both, for special volunteer programs in urban and rural areas or demonstration programs (such as but not limited to a program to provide alternatives to the incarceration of youthful offenders[;], a program to promote educational opportunities for veterans[;], a program to provide community-based peer group outreach and counseling for drug abusers, a program of assistance to victims of domestic violence, a program to provide technical and management assistance to distressed communities, a program designed to provide personal and group financial counseling to low-income and fixed-income individuals (utilizing volunteers with specialized or technical expertise), and a Helping Hand program designed to stimulate and initiate improved methods of providing volunteer services, to encourage wider volunteer participation on a full-time, part-time, or short-term basis to further the purpose of this part, and to identify particular segments of the poverty community which could benefit from volunteer and other anti-poverty efforts. In carrying out programs authorized by this part, the Director is authorized to provide for the recruitment, selection, and training of volunteers.

(2) For purposes of this subsection, the term "Helping Hand" program means a program utilizing person-to-person services to reduce the necessity for institutionalization (in hospitals, mental institutions, nursing homes, other extended-care settings, and other facilities) and to ameliorate residential isolation (through senior centers, half-way house facilities, and other residential settings) of older persons, handicapped persons, and other affected persons, stressing interactions between persons from various age groups, particularly young and old, and carried out in coordination with the appropriate State system for the protection and advocacy of the rights of persons with developmental disabilities established pursuant to section 113 of the Developmental Disabilities Assistance and Bill of Rights Act.

(b) Except as provided in subsection (c) of this section, assignment of volunteers under this section shall be on such terms and

conditions as the Director shall determine, pursuant to regulations which [he] *the Director* shall prescribe.

(c)(1) The Director, in accordance with regulations which the Director shall prescribe, may provide to volunteers enrolled for periods of part-time service of not less than 20 hours per week for not less than 26 consecutive weeks under this part such allowances, support, and services as are described in section [105] *106*(b) and as the Director determines are necessary to carry out the purposes of this part, and shall apply the provisions of sections [104(c) and 105(b)] *sections 105(c) and 106(b)* to the service of volunteers enrolled for full-time service under this part.

(2) The Director, in accordance with regulations which the Director shall prescribe with respect to volunteers enrolled for periods of full-time service of not less than one year under this part—

(A) may provide such volunteers such stipends, in total amounts not in excess of stipends provided under section [105] *106*(a) to volunteers serving under part A of this title, as the Director determines are necessary to carry out the purpose of this part; and

(B) to the extent that the terms and conditions of the service of such volunteers are of similar character to the terms and conditions of the service of volunteers enrolled under part A of this title, shall apply to the service of such volunteers enrolled under this part the provisions of sections 103(b) relating to low-income community volunteers, 103(f), [104(d), and 105(a)] *105(d) and 106(a)* to the extent such provisions are applied to the service of volunteers enrolled under such part A.

(d)(1) In carrying out programs authorized by this part, the Director shall establish criteria to make grants and enter into contracts, in each fiscal year, on the basis of merit and the equitable geographic distribution of programs.

(2) No grant or contract exceeding $50,000 shall be made under this part unless the grantee or contractor has been selected by a competitive process which includes public announcement of the availability of funds for such grant or contract, general criteria for the selection of recipients or contractors, and a description of the application process and application review process.

(3) Multiple grants or contracts to the same grantee or contractor within any one year to support activities having the same general purpose shall be deemed to be a single grant for the purpose of this subsection, but multiple grants or contracts to the same grantee or contractor to support clearly distinct activities shall be considered separate grants or contracts.

TITLE II—NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

PART A—RETIRED SENIOR VOLUNTEER PROGRAM

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 201. * * *

PART B—FOSTER GRANDPARENT PROGRAM AND OLDER AMERICAN COMMUNITY SERVICE PROGRAMS

GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS

SEC. 211. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals [1] serving under this part) designed for the purpose of providing opportunities for low-income persons aged sixty or over to [2] privide supportive person-to-person services in health, education, welfare, and related settings to children having exceptional needs, including services by individuals serving as "foster grandparents" to children receiving care in hospitals, homes for dependent and neglected children, or other establishments providing care for children with special needs. The Director may approve assistance in excess of 90 per centum of the costs of the development and operation of such projects only if the Director determines, in accordance with regulations the Director shall prescribe establishing objective criteria, that such action is required in furtherance of the purpose of this section. Provision for such assistance shall be effective as of September 19, 1972. In the case of any project with respect to which, prior to such date, a grant or contract has been made under section 611(a) of the Older Americans Act of 1965, as amended (42 U.S.C. 3044(b) or with respect to any project under the Foster Grandparent program in effect prior to September 17, 1969, contributions in cash or in kind from the Bureau of Indian Affairs, Department of the Interior, toward the cost of the project may be counted as part of the cost thereof which is met form non-Federal sources.

(b)(1) Any public or private nonprofit agency or organization responsonsible for providing person-to-person services to a child in a project carried out under subsection (a) of this section shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—

(A) which children may receive supportive person-to-person services under such project; and

(B) the period of time during which such services shall be continued in the case of each individual child.

(2) In the event that such an agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular foster grandparent providing, services in such a project, such relationship may be continued after the child reaches the chronological age of 21: *Provided,* That such child was receiving such services prior to attaining the chronological age of 21. If the particular foster grandparent subject to the determination under this paragraph becomes unavailable to serve after such determination is made, the agency or organization may select another foster grandparent.

(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) of this subsection shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

(c) For the purposes of this section, the terms "child" and "children" mean any individual or individuals who are less than 21 years of age.

(d) The Director, in accordance with regulations the Director shall prescribe, may provide to persons serving as volunteers under this part, such allowances, stipends, and other support as the Director determines are necessary to carry out the purpose of this part. Any stipend or allowance provided under this subseciton shall not be less than $2.20 per hour, except that (1) no increase in the stipend or allowance shall be made pursuant to this sentence unless the funds appropriated for carrying out this part are sufficient to maintain for the fiscal year in question a number of participants to serve under this part at least equal to the number of such participants serving during the preceding fiscal year, and (2) in the event that sufficient appropriations for any fiscal year are not available to increase any such stipend or allowance provided to $2.20 per hour, the Director shall increase the stipend or allowance to such amount as appropriations for such year permit consistent with clause (1) of this exception.

(e)(1)(A) Subject to the provisions of subparagraph (B), pursuant to regulations which the Director may prescribe, individuals may serve as foster grandparents under this part who are not low-income persons if the individuals serve without stipend or reimbursement for expenses other than transportation, meals, and out-of-pocket expenses incident to the provision of services under this part.

(B) No individual may serve as a nonstipend volunteer under this subsection in any community in which there are volunteers serving under part A of this title, relating to retired senior volunteer program.

(2)(A) Each nonstipend volunteer shall comply with requirements of this part.

(B) No appropriated funds may be diverted from direct volunteer benefits for low-income stipend volunteers to direct volunteer benefits for nonstipend volunteers under this part. The costs associated with nonstipend volunteers authorized by this subsection shall be paid from solicitations received pursuant to section 402(b), from locally generated contributions, or from resources contributed by the volunteer.

(C) Volunteers not in the low-income category serving without stipend under this part shall not replace low-income volunteers serving with stipend.

(3) The Director may not require as a condition of, or a criterion for, receiving any grant under this title that a grant recipient use nonstipend volunteers authorized by this subsection or solicit locally generated contributions for local use.

[(e)] *(f)* For purposes of this part, the terms "low-income person" and "person of low income" mean—

(1) any person whose income is not more than 125 per centum of the poverty line defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) and adjusted by the Director in the manner described in such section; and

(2) any person whose income is not more that 100 per centum of such poverty line, as so adjusted and determined by

the Director after taking into consideration existing poverty guidelines as appropriate to local situations.

Persons described in paragraph (2) shall be given special consideration for participation in projects under this part.

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PART C—SENIOR COMPANION[S] PROGRAM

GRANTS AND CONTRACTS FOR [THE PROGRAM] *VOLUNTEER SERVICE PROJECTS*

SEC. 213. (a) The Director is authorized to make grants to or contracts with public and nonprofit private agencies and organizations to pay part or all of the cost of development and operation of projects (including direct payments to individuals serving under this part in the same manner as provided in section 211(a)) designed for the purpose of providing opportunities for low-income persons aged 60 or over to serve as "senior companions" to persons with exceptional needs. Senior companions may provide services designed to help older persons requiring long-term care, including services to persons receiving home health care, nursing care, home-delivered meals or other nutritional services; services designed to help persons deinstitutionalized from mental hospitals, nursing homes, and other institutions; and services designed to assist persons having developmental disabilities and other special needs for companionship.

(b) The provisions of section 211(d) and section 211(e) and such other provisions of part B as the Director determines to be necessary shall apply to the provisions of this part.

(c)(1) The Director is authorized to make grants or contracts for senior companion projects to assist homebound elderly to remain in their own homes and to enable institutionalized elderly to return to home care settings.

(2)(A) The Director is authorized to recruit, subject to subparagraph (b), senior companion volunteer trainers who on the basis of experience (such as, doctors, nurses, home economists, social workers) will be used to train senior companion volunteers to participate in and monitor initial and continuing needs assessments and appropriate in-home services for senior companion volunteer recipients. The needs assessments and in-home services shall be coordinated with and supplement existing community based home health and long-term care systems. The Director may also use senior companion volunteer leaders, who on the basis of experience as volunteers, special skills, and demonstrated leadership abilities may spend time in the program (in addition to their regular assignment) to assist newer senior companion volunteers in performing their assignments and in coordinating activities of such volunteers.

(B) Senior companion volunteer trainers recruited under subparagraph (A) of this paragraph shall not be paid stipends.

(3) The Director shall conduct an evaluation of the impact of the projects assisted under this subsection based upon a sample survey of projects so assisted. In the third year of such study, the Director shall prepare and submit a report to the Congress. Such evaluation study shall include information on—

(A) the extent to which costs of providing long-term care are reduced by using senior companion volunteers who receive stipends in the provision of long-term care services;

(B) the effectiveness of the provision of long-term care with the use of volunteers;

(C) the extent to which health care needs and health related costs of the senior companion volunteers themselves are affected because of their involvement in the project;

(D) the extent of coordination with other Federal and State efforts aimed at enabling older individuals to receive care in their own homes; and

(E) the effectiveness of using senior companion volunteer leaders and of involving senior companion volunteers based on the training of the volunteer leaders and volunteers.

(d)(1)(A) Subject to the provisions of subparagraph (B), pursuant to regulations which the Director may prescribe, individuals may serve as senior companions under this part who are not low-income persons if such individuals serve without stipend or reimbursement of expenses other than for transportation, meals, and out-of-pocket expenses incident to the provision of services under this part.

(B) No individual may serve as a nonstipend volunteer under this subsection in any community in which there are volunteers serving under part A of this title, relating to retired senior volunteer program.

(2)(A) Each nonstipend volunteer shall comply with requirements of this part.

(B) No appropriated funds may be diverted from direct volunteer benefits for low-income strpend volunteers to direct volunteer benefits for nonstipend volunteers under this part. The costs associated with nonstipend volunteers authorized by this subsection shall be paid from solicitations received pursuant to section 402(b), from locally generated contributions, or from resources contributed by the volunteer.

(C) Volunteers not in the low-income category serving without stipend under this part shall not replace low-income volunteers serving with stipend.

(3) The Director may not require as a condition of, or a criterion for, receiving any grant under this title that a grant recipient use nonstipend volunteers authorized by this subsection or solicit locally generated contributions for local use.

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TITLE IV—ADMINISTRATION AND COORDINATION

ESTABLISHMENT OF AGENCY

SEC. 401. There is hereby established in the executive branch of the Government an agency to be known as the ACTION Agency in order to provide a focal point for volunteerism at the national, State, and local level. Such Agency shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. There shall also be in such agency a

Deputy Director who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The Deputy Director shall perform such functions as the Director shall from time to time prescribe, and shall act as Director of the ACTION Agency during the absence or disability of the Director. There shall also be in such agency one Associate Director who shall be appointed by the President with the advice and consent of the Senate, and shall be compensated at the rate provided for level [5] (*v*) of the Executive Schedule under section 5316 of title 5, United States Code. Such Associate Director shall be designated "Associate Director for Domestic and Anti-Poverty Operations" and shall carry out operational responsibility for all programs authorized under this Act. There shall also be in such agency two Assistant Directors, each of whom shall be appointed by the Director, and who shall report directly to the Associate Director for Domestic and Anti-Poverty Operations. One such Assistant Director shall be primarily responsible for VISTA and other antipoverty programs under title I of this Act, and one such Assistant Director shall be primarily responsible for the Older American Volunteer Programs under title II of this Act.

AUTHORITY OF THE DIRECTOR

SEC. 402. (*a*) In addition to the authority conferred upon [him] *the Director* by other sections of this Act, the Director is authorized to—

(1) appoint in accordance with the Civil Service laws such personnel as may be necessary to enable the ACTION Agency to carry out its functions, and, except as otherwise provided herein, fix the compensation of such personnel in accordance with chapter 51 of title 5, United States Code (,) except that the number of schedule C employees, individuals employed on a temporary basis at GS–8 or higher, experts, and consultants shall at no time exceed 8.5 per centum of the total number of individuals employed by the ACTION Agency;

(2)(A) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that no individual may be employed under the authority of this subsection for more than one hundred days in any fiscal year; (B) compensate individuals so employed at rates not in excess of the daily equivalent of the rate payable to a GS–18 employee under section 5332 of such title, including travel-time; (C) allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title for persons in the Government service employed intermittently, while so employed; and (D) annually renew contracts for such employment under this clause;

(3) with the approval of the President, arrange with and reimburse the heads of other Federal agencies for the performance of any of the provisions of this Act and, as necessary or appropriate, delegate any of [his functions] *the functions of*

the Director under this Act and authorize the redelegation thereof subject to provisions to assure the maximum possible liaison between the ACTION Agency and such other agencies at all operating levels, which shall include the furnishing of complete operational information by such other agencies to the ACTION Agency and the furnishing of such information by the ACTION Agency to such other agencies;

(4) with their consent, utilize the services and facilities of Federal agencies without reimbursement, and, with the consent of any State or a political subdivision of a State, accept and utilize the services and facilities of the agencies of such State or subdivisions without reimbursement;

(5) accept in the name of the ACTION Agency, and employ or dispose of in furtherance of the purposes of this Act, or of any title thereof, any money or property, real, personal, or mixed, tangible or intangible received by gift, devise, bequest, or otherwise;

(6) accept voluntary and uncompensated services;

(7) allocate and expend, or transfer to other Federal agencies for expenditure, funds made available under this Act as [he] *the Director* deems necessary to carry out the provisions hereof, including expenditure for construction, repairs, and capital improvements;

(8) disseminate, without regard to the provisions of section 3204 of title 39, United States Code, data and information, in such form as [he] *the Director* shall deem appropriate to public agencies, private organizations, and the general public;

(9) adopt an official seal, which shall be judicially noticed;

(10) collect or compromise all obligations to or held by [him] *the Director* and all legal or equitable rights accruing to [him] *the Director* in connection with the payment of obligations in accordance with Federal Claims Collection Act of 1966 (31 U.S.C. 951–53);

(11) expend funds made available for purposes of this Act as follows: (A) for printing and binding, in accordance with applicable law and regulations; and (B) without regard to any other law or regulation, for rent of buildings and space in buildings and for repair, alteration, and improvement of buildings and space in buildings rented by [him] *the Director*; but the Director shall not utilize the authority contained in this subsection (B)—

(i) except when necessary to obtain an item, service, or facility, which is required in the proper administration of this Act, and which otherwise could not be obtained, or could not be obtained in the quantity or quality needed, or at the time, in the form, or under the conditions in which, it is needed, and

(ii) prior to having given written notification to the Administrator of General Services (if the exercise of such authority would affect an activity which otherwise would be under the jurisdiction of the General Services Administration) of [his intention] *the intention of the Director* to exercise such authority, the item, service, or facility with respect to which such authority is proposed to be exercised,

and the reasons and justifications for the exercise of such authority.

(12) notwithstanding any other provision of law, made grants to or contracts with Federal or other public departments or agencies and private nonprofit organizations for the Assignment or referral of volunteers under this Act (except as provided in section [108] *109*) which may provide that the agency or organization shall pay all or a part of the costs of the program:

(13) establish such policies, standards, criteria, and procedures, prescribe such rules and regulations, enter into such contracts and agreements with public agencies and private organization and persons, and make such payments (in lump sum or installments, or in advance or by way of reimbursement, and in the case of grants otherwise authorized under this Act, with necessary adjustments on account of overpayments and underpayments) as are necessary or appropriate to carry out the provisions of this Act; and

(14) generally perform such functions and take such steps, consistent with the purposes and provisions of this Act, as [he] *the Director* deems necessary or appropriate to carry out the provisions of this Act.

(b)(1) The Director is authorized to accept in the name of the ACTION Agency funds received through solicitation of profit and nonprofit entities and to employ or dispose of the funds in furtherance of the purposes of this Act, or of any title thereof. Consistent with the provisions of clause (5) of subsection (a) of this section, all funds so received shall become part of the gift fund account of the ACTION Agency and shall remain available until expended.

(2) The Director shall assure that a majority of the aggregate amount in each fiscal year of all unrestricted gifts to the ACTION Agency will be spent to support volunteer projects carried out at the community level.

(3) In carrying out the solicitation authorized by this subsection, the Director may not require local directors of volunteer projects to conduct solicitations at the community level.

POLITICAL ACTIVITIES

SEC. 403. (a) No part of any funds appropriated to carry out this Act, or any program administered by the ACTION Agency, shall be used to finance, directly or indirectly, an activity designed to influence the outcome of any election to Federal office, or the outcome of any election to any State or local public office, or any voter registration activity, or to pay the salary of any officer or employee of the ACTION Agency, who, in [his] *an* official capacity as such an officer or employee, engages in any such activity. As used in this section, the term "election" has the same meaning (when referring to an election for Federal office) given such term by section 301(1) of the Federal Election Campaign Act of 1971 (Public Law 92-225), and the term "Federal office" has the same meaning given such term by section 301(3) of such Act.

SEC. 403 b-c. * * *

SEC. 404 a-b. * * *

(e) Persons serving as volunteers under this Act shall provide such information concerning their qualifications, including their ability to perform their assigned tasks, and their integrity, as the Director shall prescribe and shall be subject to such procedures for selection and approval as the Director determines are necessary to carry out the purposes of this Act. The Director may establish such special procedures for the recruitment, selection, training, and assignment for low-income residents of the area to be served by a program under this Act who wish to become volunteers as [he] *the Director* determines will further the purposes of this Act.

SEC. 404 f-g. * * *

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

SEC. 405. (a)(1) There is established in the ACTION Agency a National Voluntary Service Advisory Council (hereafter in this section referred to as the "Council") to be composed of not more than 25 members appointed by the Director. Such members shall be representative of VISTA volunteers and beneficiaries of the VISTA program, Older Americans volunteers and beneficiaries of the Older Americans volunteer program, national and local volunteer organizations, antipoverty organizations, national and local older individuals orgnaizations, and other public and private organizations, groups, and individuals interested in serving programs or benefited by programs carried out by this Act. The Director shall assure that there will be an equitable distribution of members representing both the public and private sector.

(2) The Director and Deputy Director of the ACTION Agency shall be ex officio members of the Council.

(b) The Council shall—

(1) advise the Director with respect to policy matters arising in the administration of this Act; and

(2) upon the request of the Director, review the effectiveness and the operation of programs under this Act and make recommendations (including such proposals for changes in this Act as the Council deems appropriate) concerning (A) the improvement of such programs, (B) the elimination of duplication of effort, and (C) the coordination of such programs with other Federal programs designed to assist the beneficiaries of this Act.

(c)(1) Members of the Council shall serve for twi-year terms. No individual shall serve for more than two consecutive terms.

(2) The Council shall meet at least twice, but not more than four times, each year.

(3) Members of the Council, other than individuals regularly employed by the Federal Government shall, while away from their homes or regular places of business, be paid travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(d)(1) Each member of the Council shall, pursuant to regulations prescribed by the Director, disclose any financial interest of the member with respect to any matter before the Council.

(2) No member of the Council may participate in any decision or action taken by the Council with respect to any matter in which the

member has a financial interest required to be disclosed pursuant to subparagraph (A) of this paragraph.

(e)(1) The Director shall designate a temporary chairperson from among the members of the Council and shall call the initial meeting of the Council within 30 days after appointment of such Council. Members of the Council shall designate a permanent chairperson from among the members of the Council and shall meet at the call of the chairperson.

(2) All meetings of the Council shall be open to the public and the Council shall provide notice as to the time, place, and purpose of each such meeting.

(f) Not later than January 1 of each calendar year, the Council shall make an annual report of its findings and recommendations to the President for transmittal by the President to the Congress, together with his comments and recommendations. The Council may make such interim reports of its findings and recommendations as the Council deems appropriate.

* * * * * * *

NOTICE AND HEARING PROCEDURES FOR SUSPENSION AND TERMINATION OF FINANCIAL ASSISTANCE

SEC. 412. (a) The Director is authorized, in accordance with the provisions of this section, to suspend further payments or to terminate payments under any contract or grant providing assistance under this Act, whenever [he] *the Director* determines there is a material failure to comply with the applicable terms and conditions of any such grant or contract. The Director shall prescribe procedures to insure that—

(1) assistance under this Act shall not be suspended for failure to comply with applicable terms and conditions, except in emergency sutuations for thirty days;

(2) an application for refunding under this Act may not be denied unless the recipient has been given (A) notice at least 75 days before the denial of such application of the possibility of such denial and the grounds for any such denial, and (B) opportunity to show cause why such action should not be taken;

(3) in any case where an application for refunding is denied for failure to comply with the terms and conditions of the grant or contract award, the recipient shall be afforded an opportunity for an informal hearing before an impartial hearing officer, who has been agreed to by the recipient and the Agency; and

(4) assistance under this Act shall not be terminated for failure to comply with applicable terms and conditions unless the recipient has been afforded reasonable notice and opportunity for a full and fair hearing.

(b) In order to assure equal access to all recipients, such hearings or other meetings as may be necessary to fulfill the requirements of this section shall be held at locations convenient to the recipient agency.

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SEC. 415a-c. * * *

(d) Volunteers serving in programs for periods of service of at least one year under part A of title I of this Act, and volunteers serving for such periods under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991-2994d), including those whose service was completed under such Act, who the Director determines, in accordance with regulations [he] *the Director* shall prescribe, have successfully completed their periods of service, shall be eligible for appointment in the competitive service in the same manner as Peace Corps volunteers as prescribed in Executive Order Number 11103 (April 10, 1963).

SEC. 415e-f. * * *

EVALUATION

SEC. 416. [(a) The Director shall biennially measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals in general, and in relation to their cost, their impact on related programs, and their structure and mechanisms for delivery of services. Evaluations shall be conducted by persons not immediately involved in the administration of the program or any project of such program being evaluated. Such evaluation shall also measure and evaluate compliance with the equitable distribution requirement of section 414 of this Act.] *(a) The Director shall measure and evaluate the impact of all programs authorized by this Act, their effectiveness in achieving stated goals, in general, and in relation to their cost, their impact on related programs, and their structure and mechanism for delivery of services. Each program shall be evaluated at least once every four years. Evaluations shall be conducted by persons not immediately involved in the administration of the program or project evaluated.*

* * * * * * *

LEGAL EXPENSES

SEC. 419. Notwithstanding any other provision of law and pursuant to regulations which the Director shall prescribe, counsel may be employed and counsel fees, court costs, bail, and other expenses incidental to the defense of volunteers may be paid in judicial or administrative proceedings to which full-time volunteers (for part-time volunteers) when such proceeding arises directly out of the performance of activities pursuant [to this Act,] *to this Act)* serving under this Act have been made parties.

* * * * * * *

DEFINITIONS

SEC. 421. For the purposes of this Act—

(1) the term "Director" means the Director of the ACTION [agency] *Agency;* [1]

(2) the terms "United States" and "States" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, the American Samoa and, for the purposes of title II of this Act, the Trust Territory of the Pacific Islands;

(3) the term "nonprofit" as applied to any agency, institution, or organization means an agency, institution, or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and

(4) the term "poor" or "low-income" persons, individuals, or volunteers means such individuals whose incomes fall at or below the poverty line as set forth in section 625 of the Economic Opportunity Act of 1964, as amended by Public Law 92-424 (42 U.S.C. 2971d): *Provided,* That in determining who is "poor" or "low-income", the Director shall take into consideration existing poverty guidelines as appropriate to local situations.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS AUTHORIZATION

[SEC. 501(a) There is authorized to be appropriated to carry out part A of title I of this Act $17,000,000 for fiscal year 1984, $20,000,000 for fiscal year 1985, and $25,000,000 for fiscal year 1986.

[(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.

[(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,984,000 for the fiscal year 1984 and for each of the fiscal years 1985 and 1986.]

SEC. 501. (a)(1) There is authorized to be appropriated to carry out part A of title I of this Act (other than section 104) $25,000,000 for fiscal year 1987, $25,750,000 for fiscal year 1988, and $26,522,000 for fiscal year 1989.

(2) There is authorized to be appropriated to carry out section 104 of this Act $2,000,000 for fiscal year 1987, $3,000,000 for fiscal year 1988, and $5,000,000 for fiscal year 1989.

(b) There is authorized to be appropriated to carry out part B of title I of this Act $1,800,000 for each of the fiscal years 1987, 1988, and 1989.

(c) There is authorized to be appropriated to carry out part C of title I of this Act $1,984,000 for each of the fiscal years 1987, 1988, and 1989.

(d)(1) Of the amounts appropriated under this section for parts A *(other than section 104),* B, and C of title I, there shall first be available for part A of title I, an amount not less than the amount necessary to [provide—] *provide 2,400 years of volunteer service in each of the fiscal years 1987, 1988, and 1989.*

[(A) 2,000 years of volunteer service in fiscal year 1984;

[(B) 2,200 years of volunteer service in fiscal year 1984; and

[(C) 2,400 years of volunteer service in fiscal year 1986;]

(2) For purposes of paragraph (1), the term "volunteer service" shall include training and other support required under this Act for purposes of part A of title I.

(3) The requirement of paragraph (1)(A) shall not apply unless there is appropriated for title I the fiscal year 1984 an amount in addition to amounts available under Public Law 98-151.

(e) No part of the funds authorized under subsection (a) may be used to provide volunteers or assistance to any program or project authorized under part B or C of title I, or under title II, unless the program or project meets the antipoverty criteria of part A of title I.

NATIONAL OLDER AMERICAN VOLUNTEER PROGRAMS

[SEC. 502. (a) There is authorized to be appropriated $30,412,000 for fiscal year 1983, $29,700,000 for fiscal year 1984, $30,400,000 for fiscal year 1985, and $31,100,000 for fiscal year 1986 for the purpose of carring out programs under part A of title II of this Act.

[(b) There is authorized to be appropriated $52,650,000 for fiscal year 1983, $54,300,000 for fiscal year 1984, $56,700,000 for fiscal year 1985, and $58,700,000 for fiscal year 1986, for the purpose of carrying out programs under part B of title II of this Act.

[(c) There is authorized to be appropriated $17,607,000 for fiscal year 1983, $27,800,000 for fiscal year 1984, $28,200,000 for fiscal year 1985, and $28,600,000 for fiscal year 1986 for the purpose of carrying out part C of title II of this Act.]

SEC. 502. (a) There is authorized to be appropriated to carry out programs under part A of title II of this Act $31,100,000 for fiscal year 1987, $32,033,000 for fiscal year 1988, and $32,990,000 for fiscal year 1989.

(b) There is authorized to be appropriated to carry out programs under part B of title II of this Act $58,700,000 for fiscal year 1987, $60,461,000 for fiscal year 1988, and $62,274,830 for fiscal year 1989.

(c) There is authorized to be appropriated to carry out programs under part C of title II of this Act $28,600,000 for fiscal year 1987, $29,458,000 for each of the fiscal years 1988, and $30,341,740 for fiscal year 1989.

ADMINISTRATION AND COORDINATION

SEC. 504. [There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $25,800,000 for fiscal year 1984, $27,000,000 for fiscal year 1985, and $28,000,000 for fiscal year 1986.] *There is authorized to be appropriated for the administration of this Act, as authorized in title IV of this Act, $25,312,000 for fiscal year 1987 and for each fiscal year ending prior to October 1, 1989.*

* * * * * * *

TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

SUPERSEDENCE OF REORGANIZATION PLAN NUMBER 1 OF JULY 1, 1971

SEC. 601. (a) Sections 1, 2(a), 3, and 4 of the Reorganization Plan Number 1 of 1971 (July 1, 1971) are hereby superseded.

(b) The personnel, property, records, and unexpected balances of appropriations allocations, and other funds employed, used, held,

available, or to be made available in connection with the functions transferred to the Director of the ACTION Agency by section 2(a) and 4 of such reorganization plan are hereby transferred to the ACTION Agency established by section 401. All grants, contracts, and other agreements awarded or entered into under the authority of such reorganization plan will be recognized under comparable provisions of this Act so that there is no disruption of ongoing activities for which there is continuing authority.

(c) All official actions taken by the Director of the ACTION Agency, [his designee] *the designee of the Director*, or any other person under the authority of such reorganization plan which are in force on the efffective date of this Act and for which there is continuing authority under the provisions of this Act, and the length of the period of service of volunteers serving or under going training under title VIII of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2991–2994d) on the effecitve date of this Act, shall continue in full force and effect until modified, superseded, or revoked by the Director.

(d) All references to ACTION, or the Director of ACTION in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after the effective date of this Act, be deemed to refer to the ACTION Agency established by section 401 and the Director thereof.

(e) No suit, action or other proceeding, and no cause of action, by or against the agency known as ACTION created by such reorganization plan, or any action by any officer thereof acting in [his] *an* official capacity, shall abate by reason of enactment of this Act.

(f) Persons appointed by the President, by and with the advice and consent of the Senate, to positions requiring such advice and consent under such reorganization plan may continue to serve in the same capacity in the ACTION Agency without the necessity of an additional appointment by the President or further such advice and consent by the Senate.

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XI. ADDITIONAL VIEWS TO S. 2324—THE DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1986

We strongly support the programs reauthorized by the Domestic Volunteer Service Act Amendments, and believe that the key to their success has been their use of an abundant National resource—volunteers—to address the needs of our Nation's poor and vulnerable. We are especially pleased to note that the Committee has included language providing for a minimum level of VISTA service years. We wish to clarify that our strong support for a VISTA floor is based on VISTA's track record which we believe warrants priority funding consideration over other Title I programs deemed to be less directed toward meeting the needs of the most disadvantaged and impoverished populations. Historically, Parts B and C of Title I have not suffered as a result of the VISTA service year funding floor. The funding floor does not necessarily require additional appropriations, but rather guarantees that a minimum funding level is appropriated for VISTA prior to the appropriations of funds for other Title I programs. It is our desire that if the Appropriations Committees increase the funding for these programs in accordance with the final authorization recommendation, then the ACTION Agency should also increase the volunteer service hours to reflect that funding increase.

The designation of a VISTA floor in the bill, as in all past DVSA reauthorization bills, prioritizes VISTA as the most important program funded under Title I of the Act. VISTA is the only full-time anti-poverty volunteer program under any Title of the Act and it is our belief that we must protect the program most targeted toward helping the poor and disadvantaged in their own effort to achieve self-sufficiency. It is, therefore, our view that were the VISTA volunteer service year levels to be raised the Agency would be better able to meet the goals of this program.

In addition, we would like to emphasize how important we feel a strong national recruitment system and public awareness program is to a successful VISTA program. We believe the focus of such a system should be to recruit individuals from all walks of life, economic levels, geographic areas, and finally, all age groups, from recent college graduates to those age 65 and older. A strong recruitment and public awareness system serves to match VISTA workers with the appropriate skills to the communities where their skills are most needed. Increased public awareness activities, through the media and targeted campaigns in places such as college campuses, can ensure that skilled and motivated volunteers are available for recruitment at both the local and national level.

And finally, we continue to have reservations about provisions which will allow private sector fundraising by the Director. Allowing this type of authority to any federal human service agency is unprecedented and we believe it raises questions that have not yet

been adequately studied. It is our view that any possible impact on private sector non-profit groups and their fundraising efforts, as well as the procedures used to solicit funds by the Director, must be closely monitored. It is our hope that all of these issues will continue to be explored as this legislation progresses and, again, we would like to reemphasize our strong support for the reauthorization of the DVSA.

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Calendar No. 714

99TH CONGRESS
2d Session

SENATE

REPORT
99-332

ERRATA

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS OF 1986

JULY 8, 1986.—Ordered to be printed

Filed, under authority of the order of the Senate of June 27 (legislative day, June 23), 1986

Mr. HATCH, from the Committee on Labor and Human Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 2324]

CORRECTIONS

The following corrections should be duly noted in portraying the true language of the report:

The second sentence of paragraph 6 on page 2 should read as follows:

> The Director is authorized to develop regulations in which older individuals who do not meet the income criteria may be enrolled in Foster Grandparent or Senior Companion programs if a Retired Senior Volunteer Program is not available in their community.

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